



THE CITY OF NEW YORK  
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November 13, 2019

**BY ECF & E-MAIL**

Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Kelly Price v. City of New York, et al.  
15 CV 5871 (KPF)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to the defense of this matter. City Defendants write on behalf of all parties to respectfully request that the Court amend the March 15, 2019 Case Management Plan and Scheduling Order, as amended on August 9, 2019, specifically to extend fact discovery from November 19, 2019 until March 19, 2020, and expert discovery from January 3, 2020 until May 4, 2020.

By way of background, the Court first issued a Scheduling Order in this matter on or about July 30, 2018 (Dkt. No. 120). Thereafter, discovery was stayed to allow plaintiff to retain counsel. After Ms. Price obtained counsel, the parties submitted a Proposed Case Management Plan and Scheduling Order on March 15, 2019 (Dkt. No. 128) that was subsequently endorsed by the Court (Dkt. No. 133). On August 8, 2019, the parties requested that the portion of the March 15 Scheduling Order directing that fact discovery be completed by August 19, 2019, be amended to extend the close of fact discovery to November 19, 2019 and the corresponding close of expert discovery to January 3, 2020. Your Honor granted that request on August 9, 2019. The parties are now making a second request to enlarge the close of fact and expert discovery until March 19, 2020 and May 4, 2020, respectively.

While the parties have worked diligently to meet the discovery deadlines in this matter, an enlargement of discovery is necessary for a number of reasons. First, the undersigned

has only been assigned to this matter since early October 2019,<sup>1</sup> and, as such is still in the process of learning the case file, including reviewing over 12,000 electronic documents produced by plaintiff, as well as, identifying outstanding discovery that still needs to be produced by both plaintiff and defendants. Second, depositions cannot be conducted until the undersigned has had the opportunity to digest the discovery produced so far, and all parties are assured that all outstanding discovery has been produced. Third, due to the upcoming holiday season, the parties anticipate challenges to scheduling the depositions of both the parties and non-parties. Fourth, plaintiff's counsel is currently preparing for a trial that is scheduled to commence in January 2020.

Based on the foregoing, the parties respectfully request an extension of the fact discovery deadline from November 19, 2019 until March 19, 2020, and an extension of the expert discovery deadline from January 3, 2020 until May 4, 2020. A Proposed Order amending the fact and expert discovery deadlines is attached hereto for the Court's endorsement. Thank you for your consideration herein.

Respectfully submitted,

*Laura Iheanachor /s/*

Laura Iheanachor

Assistant Corporation Counsel

Special Federal Litigation Division

cc: All Counsel of Record (By ECF & E-Mail)

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<sup>1</sup> The former Assistant Corporation Counsel assigned to this matter resigned from this Office.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KELLY PRICE,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

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**[PROPOSED] ORDER  
AMENDING THE CIVIL  
CASE MANAGEMENT PLAN  
AND SCHEDULING ORDER**

15-CV-5871 (KPF)

It is hereby:

**ORDERED**, upon motion of the parties, that paragraph 7.e. of the Case Management Plan and Scheduling Order, dated March 18, 2019 and amended on August 9, 2019 (“Case Management Plan Order”), is revised to amend the date for completion of fact discovery to March 19, 2020, and the date for completion of expert discovery to May 4, 2020; and it is further

**ORDERED**, that all other provisions of the Case Management Order remain unchanged.

Dated: New York, New York

\_\_\_\_\_, 2019

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Hon. Katherine Polk Failla  
United States District Judge